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Whom Should a Catholic University Honor?: "Speaking" with Integrity

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WHOM SHOULD A CATHOLIC UNIVERSITY HONOR?: "SPEAKING" WITH INTEGRITY

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Time flies: As I revise this Article, it has been more than two years since the announcement that our then-recently-elected President, Barack Obama, would be the featured speaker—and would receive an honorary degree—at the University of Notre Dame's graduation ceremony.[1] No footnotes or citations are necessary for the report that the University's decision was controversial or the observation that the choice was both criticized and celebrated by students, faculty, alumni, political commentators, lay Catholics, and Church leaders. The debate sparked by the invitation and by the President's speech[2] was wide-ranging and had its insightful and disappointing moments, its worthy and regrettable elements, and its illuminating and superficial aspects.

I believe that the University—my employer, my scholarly community, and in many ways my home—made a mistake and that its respectful critics' arguments were the stronger ones. I weighed in at the time and said as much, and hoped then as I do

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[1] The University announced, on March 20, 2009, that "President Barack Obama [would] be the principal speaker and the recipient of an honorary doctor of laws degree at the University of Notre Dame's 164th University Commencement Ceremony." Dennis Brown, *President Obama to Deliver Notre Dame's Commencement Address*, NORTRE DAME NEWS (Mar. 20, 2009), http://newsinfo.nd.edu/news/11293-president-obama-to-deliver-notre-dames-commencement-address/.

[2] The text of the President's speech, which includes both an interruption by an "audience member," who is recorded as saying "Abortion is murder! Stop killing children!" and the response of the "audience" to this interruption—"Booo!"—is available at the website of The White House. *Remarks by the President in Commencement Address at the University of Notre Dame*, THE WHITE HOUSE (May 17, 2009, 3:37 PM), http://www.whitehouse.gov/the_press_office/Remarks-by-the-President-at-Notre-Dame-Commencement/ (internal quotation marks omitted).

now that I managed to communicate both my all-things-considered disappointment with the decision and my firm belief that the University of Notre Dame is an important, interesting, and inspiring Catholic institution—one that has been entrusted with a weighty mission and one for which Catholics and citizens should wish only the best.[3]

In a *USA Today* opinion piece published a few days before the graduation ceremony, I suggested that the "angst at Notre Dame" was "not about what should be said *at* Catholic universities, but about what should be said *by* a Catholic university."[4] I wrote:

> The question on the table is not whether Notre Dame should hear from the president but whether Notre Dame should honor the president. A Catholic university can and should engage all comers, but in order to be true to itself—to have integrity—it should hesitate before honoring those who use their talents or power to bring about grave injustice. The university is, and must remain, a bustling marketplace of ideas; at the same time, it also has a voice of its own. We say a lot about who we are and what we stand for through what we love and what we choose to honor.[5]

In other words, I thought—and still believe—that a helpful way to think about a Catholic university's decision to "honor" someone is to ask what such a university is *saying* through that decision—a decision about itself, what it values, and what it holds out as good and worthy.

So, whom should a Catholic university honor?[6] To answer this question, we need to carefully engage all three of its primary

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[3] *See, e.g.*, Richard W. Garnett, *The Importance of Notre Dame*, NATIONAL REV. ONLINE (Mar. 23, 2009, 10:22 PM), http://www.nationalreview.com/corner/179238/importance-notre-dame/richard-w-garnett ("Notre Dame matters, and it is precisely because it still *is* meaningfully Catholic that its mistakes are disappointing."); Richard W. Garnett, *More on Commencement Speakers / Response to Rob*, MIRROR OF JUSTICE (Mar. 23, 2009, 7:13 PM), http://mirrorofjustice.blogs.com/mirrorofjustice/2009/03/more-on-commencement-speakers-response-to-rob.html ("Notre Dame matters, and it is precisely because it still [ ]is[ ] meaningfully Catholic that its mistakes are disappointing.").

[4] Richard W. Garnett, *Behind the Angst at Notre Dame*, USA TODAY, May 11, 2009, at 13A (emphasis added).

[5] *Id.*

[6] This Symposium is asking, I realize, a more focused question, that is, whom should a Catholic *law school* honor? My hope is that my effort to work through the more general question will add some value to the discussion about the more specific one.

terms: "Catholic," "university," and "honor." The question's answer is what it is, in other words, because it is being asked about a "university," about a "Catholic" university, and about a particular sort of action taken by that university, namely, "honoring" someone.

It is also necessary, if we hope to make progress on the question presented, to distinguish it from some others that resemble and may in many ways overlap with it. Many questions are worth asking: Which students should a Catholic university admit? Whom should a Catholic university hire as faculty, administrators, coaches, and staff? What should and should not be included or required in the curriculum of a Catholic university? Whom should be invited or allowed to speak publicly at a Catholic university? The the task of answering them well will involve a process and considerations that are a lot like those involved in figuring out whom a Catholic university should "honor." Still, these questions are different. After all, a Catholic university can invite someone to speak on campus and thereby facilitate the respectful consideration—and, perhaps, criticism and rejection—of that person's views and positions by the university community without "honoring" that person.[7] The issue, again, is not what should be said *at* Catholic universities[8]—just as it is not for whom may a faithful Catholic vote, or which actions would involve a Catholic university in culpable cooperation with evil—but what should be *said* by a Catholic university.[9]

Let's start with the word "Catholic." There are implications for a university's activities, expression, and aspirations of its being a "Catholic" university—at least, there ought to be.[10] The question whom should a Catholic university honor—as opposed

[7] The United States Conference of Catholic Bishops, in its relatively recent statement, *Catholics in Political Life*, seems to have implicitly noted this distinction, by stating that "the Catholic community and Catholic institutions should not honor those who act in defiance of our fundamental moral principles. They should not be given awards, honors or platforms which would suggest support for their actions." UNITED STATES CONFERENCE OF CATHOLIC BISHOPS, *Catholics in Political Life*, http://old.usccb.org/bishops/catholicsinpoliticallife.shtml.

[8] Garnett, *supra* note 4 (emphasis added).

[9] *Id.* (emphasis added).

[10] *See, e.g.*, JOHN PAUL II, APOSTOLIC CONSTITUTION *EX CORDE ECCLESIAE* ¶ 13 (1990) [hereinafter *EX CORDE ECCLESIAE*], available at http://www.vatican.va/holy_father/john_paul_ii/apost_constitutions/documents/hf_jp-ii_apc_15081990_ex-corde-ecclesiae_en.html ("[E]very Catholic University, as *Catholic*, must have . . . [certain] *essential characteristics*.").

to whom should a university honor—is worth engaging because, and only if, the word "Catholic" is doing some real work in the describing the university that is different from the university-describing work that might be done by terms like "state" or "A & M" or "Methodist." We all know there are, in American higher education today, some "Catholic universities" that seem to many—and not only to the especially rigorous or nostalgic—to have either lost interest in questions involving the significance and implications of a university's being "Catholic," or settled for pat, thin, uninteresting answers.[11] Such institutions—putting aside the delicate matter of identifying them with confidence—are not the institutions we are asking about when we ask whom a Catholic university should honor.

Thoughtful, faithful people reasonably disagree regarding at least *some* of the implications for a university of its being Catholic. That these disagreements exist and persist is not because of a lack of efforts by learned and insightful people—the most famous such effort, perhaps, is John Henry Newman's *The Idea of a University*—to resolve them.[12] More recently, the new President of The Catholic University of America, John Garvey, delivered a thoughtful inaugural lecture called *Intellect and Virtue: The Idea of a Catholic University*, in which he returned to Newman's theme and asked, "What is the *particular* contribution a Catholic university makes to the integration of virtue and intellect?"[13]

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[11] It was reported recently that the National Labor Relations Board concluded that Saint Xavier University in Chicago now "operates strictly as a secular educational institution" and so is now subject to the Board's jurisdiction over questions relating to faculty unionization. *See* G. Jeffrey MacDonald, *Feds Rule Against a Second Catholic College*, BELIEFNET NEWS (June 8, 2011, 5:17 PM) http://blog.beliefnet.com/news/2011/06/feds-rule-against-a-second-catholic-college.php).

[12] *See generally* JOHN HENRY NEWMAN, THE IDEA OF A UNIVERSITY (Frank M. Turner ed., 1996); *see also, e.g.*, ALASDAIR MACINTYRE, GOD, PHILOSOPHY, UNIVERSITIES: A SELECTIVE HISTORY OF THE CATHOLIC PHILOSOPHICAL TRADITION (2009); MARK W. ROCHE, THE INTELLECTUAL APPEAL OF CATHOLICISM AND THE IDEA OF A CATHOLIC UNIVERSITY (2003); GEORGE DENNIS O'BRIEN, THE IDEA OF A CATHOLIC UNIVERSITY (2002); MICHAEL J., BUCKLEY, S.J., THE CATHOLIC UNIVERSITY AS PROMISE AND PROJECT: REFLECTIONS IN A JESUIT IDIOM (1998); THE CHALLENGE AND PROMISE OF A CATHOLIC UNIVERSITY (Theodore M. Hesburgh ed., 1994).

[13] John Garvey, President, The Catholic Univ. of Am., *Intellect and Virtue: The Idea of a Catholic University*, Inaugural Address (Jan. 25, 2011), *available at* http://president.cua.edu/inauguration/GarveyInaugurationAddress.cfm (emphasis added).

I have the luxury, in this context, of being able to "punt" the tough job of actually discovering or deciding what is, and is not, a "Catholic" university. I also have, as we all do, the benefit of the Apostolic Constitution, *Ex Corde Ecclesiae*, given in 1990 by the late Blessed Pope John Paul II. That document provides that, "A Catholic University, as Catholic, informs and carries out its research, teaching, and all other activities with Catholic ideals, principles[,] and attitudes."[14] Putting these and similar statements to work, and translating them into structures and practices, is a huge and ongoing project. For now though, it is enough simply to note that different views and conclusions with respect to this project—or different levels of interest in it—will probably result in different views and conclusions about the implications of a university's being Catholic for decisions about whom that university should "honor"—which is not to say that *agreement* about what it means to be a "Catholic" university will always yield agreement about the implications for a university's practices of its being a "Catholic" university.

Hold that thought.

Answering the question whom should a Catholic university honor involves thinking hard not only about the significance of a university being "Catholic"—as opposed to, say, "polytechnic" or "community"—but also about the significance of a Catholic institution being a "university"—as opposed to, say, a hospital, soup kitchen, or seminary. What should and should not be the practices of a Catholic "university"? What should and should not such an institution—such a community—say, express, endorse, and celebrate through its decisions to honor or not to honor someone?

It is sometimes asserted—or maybe just assumed—that to attach, in a meaningful and work-doing way, the word "Catholic" to the word "university" is inevitably—necessarily, even—to take something away from, to diminish, or to lessen the latter. On this view, if one wants a "Catholic university," one starts with an unmodified "university"—its practices, aims, norms, and ethos—and then constrains it in particular "Catholic" ways. To get a "Catholic" university, in other words, one subtracts from a "university" those things that are not consistent with its being a "Catholic" university. Yes, there might also be some additions—a "Catholic university" might have more chapels on its campus

[14] *EX CORDE ECCLESIAE*, *supra* note 10, at art. 2, § 2.

than a "something-else university," for instance—but these additions will be peripheral or accidental, and will not go anywhere near the university's academic, scholarly, and research core. A "Catholic university" is what results when one carves off otherwise-significant aspects or dimensions of a "university" and perhaps adds some accoutrements that are irrelevant to, or perhaps mildly contrary to, the basic enterprise of being a "university."

In fact, some might say that, depending on how much one is asking the term "Catholic" to do, a "Catholic university" is not really a university at all, because the constraints and compromises involved in its being "Catholic" are such that what is left of "university" once "Catholic" has been attached is simply too far removed from the original to warrant the name. We might be sufficiently nervous about this possibility that we decide, at the front end, that whatever is involved in a university's being "Catholic" cannot include anything that would result in constraints or modifications that result in the loss of "university"-ness. Thus, the terms of the discussion about what it means for a university to be "Catholic" and about what the practices should be of a "Catholic university" might be set by a prior determination about what it means to be, and what the practices should be of, a "university"—full stop.

But, what *is* a "university"? In its "simple and rudimental form," Newman wrote, "it is a school of knowledge of every kind, consisting of teachers and learners from every quarter."[15] He elaborated:

> It is the place to which a thousand schools make contributions; in which the intellect may safely range and speculate, sure to find its equal in some antagonistic activity, and its judge in the tribunal of truth.
>
> It is a place where inquiry is pushed forward, and discoveries verified and perfected, and rashness rendered innocuous, and error exposed, by the collision of mind with mind, and knowledge with knowledge.
>
> It is the place where the professor becomes eloquent, and is a missionary and a preacher, displaying his science in its most

[15] JOHN HENRY NEWMAN, RISE AND PROGRESS OF UNIVERSITIES AND BENEDICTINE ESSAYS 6 (2001).

> complete and most winning form, pouring it forthwith the zeal of enthusiasm, and lighting up his own love of it in the breasts of his hearers.[16]

The Apostolic Constitution, *Ex corde*, opens with the observation that "the university" has "always been recognized as an incomparable centre of creativity and dissemination of knowledge for the good of humanity. By vocation, [it] is dedicated to research, to teaching[,] and to the education of students who freely associate with their teachers in a common love of knowledge."[17]

We could go on collecting *Bartlett's* style and pithy and inspiring definitions and characterizations. As we did, I suspect that we would not be able to suppress a mischievous, wistful, and even gloomy sense that "the modern research university" is, in fact, for better or worse, a very different animal than the ideal evoked by those who attempt to define while celebrating it. The details and causes of the differences are complicated, and others have explored them in great detail many times.[18] For present purposes, I mean only to note, first, that there is at least as much—and probably more—reasonable disagreement about what it means for an institution to be a "university" as there is about what it means for a "university" to be a "Catholic" one and, second, that this disagreement will necessarily yield diversity of views regarding the question whom should a Catholic university honor. In answering this question, should we take as givens the characteristics, practices, and norms of the early 21st century university, or any particular "touchstone" 21st century university? Should we assume that the answer to the question whether a particular institution is a "Catholic university" depends on whether, or to what extent, that institution resembles a "university" as we think we understand it today—a university that has not yet been modified, and perhaps misshaped, by the attachment of the modifier "Catholic"? Or, should we—must we—consider the possibility that it is the

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[16] *Id.* at 16.

[17] *EX CORDE ECCLESIAE*, *supra* note 10, at ¶ 1.

[18] *See generally, e.g.*, MACINTYRE, *supra* note 12; ANTHONY T. KRONMAN, EDUCATION'S END: WHY OUR COLLEGES AND UNIVERSITIES HAVE GIVEN UP ON THE MEANING OF LIFE (2008); ALLAN BLOOM, THE CLOSING OF THE AMERICAN MIND: HOW HIGHER EDUCATION HAS FAILED DEMOCRACY AND IMPOVERISHED THE SOULS OF TODAY'S STUDENTS (1987).

unmodified—more specifically, the not-"Catholic"—university that is constrained, misshapen, and the result of attrition or subtraction?

Hold that thought, too.

There is yet another aspect of the question whom should a Catholic university honor that needs to be unpacked and clarified. At first glance, the question straightforwardly involves a particular activity or practice—"honoring." Universities do many things, including "honor" people, and the specific question under consideration is whom should a Catholic university honor, not how many dining halls should a Catholic university operate, and during which hours or what processes should a university provide for appeals of tenure-denials. In fact, though, things are not so simple.

A university—like any other institution or indeed, any person—engages in "honoring" in many contexts and ways. Some of these ways are obvious, explicit, and formal, others are subtle and only implicit. We could, of course, stylize the inquiry by deciding up front that the inquiry whom should a Catholic university honor concerns only those occasions when a university formally and explicitly declares, "John Smith is hereby honored by this university, which is Catholic." But such a simplification would miss too much and leave unaddressed and unexamined too much of what any university actually does.

It would also make it easier to answer specific questions about whether a Catholic university should have honored John Smith if we could just say, "the question does not need to be answered here, because John Smith was not, in fact, 'honored' by the university." And, sometimes this will be an accurate answer to the question whether a Catholic university should have honored John Smith. It will be incomplete, though, because it will not really engage the question whom should a Catholic university honor and it will assume a particular understanding—one that might itself be under- or overinclusive—of what it means to "honor" a person.

What does it mean, then, to "honor" someone? How does it happen? How does the practice or act of "honoring" someone differ from the practice or act of "recognizing," "commemorating," "acknowledging," or "ignoring" someone? What is it about a particular act or practice—hiring someone as a faculty member or administrator, admitting someone as a student, graduating

someone, hosting someone as a guest, providing someone with a platform from which to speak, naming a building or research center after someone, accepting a donation from someone—that makes that particular act or practice an instance of "honoring"?

As I indicated earlier, I believe that an institution, like a person, "says something" about what it admires, regards as praiseworthy, thinks should be emulated, and loves when it "honors" someone. And so, a Catholic university should honor, and should only honor, someone when, in so doing, it is saying something that it is right for a Catholic university to say. This might seem, following as it does so much throat clearing, an obvious or pedantic point. I hope not.

For starters, consider this claim: A Catholic university should not honor anyone who is unworthy of being honored by a university—*any* university. That is, the universe of those whom a Catholic university should honor is meaningfully limited by the fact that some people should not be honored by any university precisely because it is a university. Certainly, a university—*any* university—should not honor anyone who is unworthy of honor. That much seems easy—even if separating those who are unworthy of being honored at all from those who might be is not going to be easy. There will be others, though, who are entirely worthy of being honored but who should nevertheless not be honored by a university, because of what a university is, because of what it means to be a university. Too often, universities imagine that they are, and act as if they were, all-purpose recognizers and celebrators of achievement. They are not. A person should be honored by a university only when that person's work, achievements, or contributions—that which is held up as, or perceived as, being the *reason* for the honor—is within the field of a "university's" function and value, broadly understood. Most celebrities and pop stars are not. Certainly, an honoree need not be a groundbreaking scholar or inspirational educator, but it seems inappropriate for a university to deploy its honors simply as part of an effort to appear hip, relevant, or entertaining.

Universities are in and about the business of scholarship, research, discovery, teaching, integration, and formation. They should not "honor"—given what it means to "honor"—those

whose achievements are neither plausibly connected, nor likely to be seen as connected, to this business. This is true of any university, and so it is true of a Catholic university.

What is also true of a "Catholic" university is that it should not "honor" someone if in so doing it would say something that is incongruous or dissonant with what that university says, or should be saying, by virtue of its being a "Catholic" university. What a university—or anyone—says through what it honors about what it loves, values, and admires should be true to what it is and aspires to be. A Catholic university, when it speaks by honoring, should speak with integrity, and in a way that reflects, rather than hamstrings, what it is and aspires to be. After all, our goal when we "honor" is not merely to avoid scandal or culpable complicity; it is to hold up for emulation, and to attract others to, actions and actors we admire and think are admirable, because of who we are.

The discussion above does not answer definitively the question whom should a Catholic university honor and contains no matrix, formula, test, or decision tree that might resolve neatly any particular controversy about any particular university or honoree. My goal has only been to suggest a way of approaching, and thinking about, the question, which is an important one and one that should not be too quickly shrugged off as easy or straightforward. We all aspire to have integrity, and Catholic universities do—or should—too. One marker of integrity is a determination to speak, and to lift people up as worthy and honorable, in a way that is congruent with one's commitments.